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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Michele Cruz,

Plaintiff,

v.

United States of America;
DOES I-X;
and ROE Corporations I-XX, inclusive,
Defendants.

Case No. 2:20-cv-00237-JAD-EJY

**Stipulation and Order to Extend
Remaining Discovery Deadlines
(Fourth Request)**

Pursuant to LR IA 6-1 and LR 26-3, Defendant requests, and Plaintiff does not oppose, a 60-day extension of discovery deadlines. This request is made more than 21 days before Defendant's expert disclosure deadline. In support of this stipulated request, the parties inform the Court of the following:

DISCOVERY COMPLETED

Following the Rule 26(f) conference, the parties served their respective initial disclosures of documents and witnesses in April 2021, in this car accident case.

On May 7, 2021, Defendant served Plaintiff with interrogatories and requests for production (including HIPAA authorization forms).

On June 14, 2021, Plaintiff served her responses to Defendant's interrogatories and requests for production.

1 On July 15, 2021, Plaintiff served her first supplemental responses to Defendant's
2 interrogatories and requests for production.

3 On July 15, 2021, Plaintiff served her first supplemental disclosures of documents
4 and witnesses.

5 On September 1, 2021, Plaintiff served her initial expert disclosures.

6 Between September 2021 and January 2022, Defendant subpoenaed and received
7 records from various health care providers and Plaintiff's employers for Plaintiff.

8 On January 13, 2022, Defendant served its First Supplemental Disclosures, which
9 contained medical records from Plaintiff's medical providers.

10 **DISCOVERY REMAINING**

11 Defendant is awaiting production of some records pursuant to subpoenas sent to
12 third parties.

13 The parties will take the depositions of the respective drivers.

14 Defendant's expert disclosures and Plaintiff's rebuttal expert disclosures, if any,
15 remain.

16 The parties reserve the right to engage in other discovery as permitted by applicable
17 rule and within the discovery window.

18 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

19 Defendant issued twelve (12) subpoenas to Plaintiff's medical providers and former
20 employers, and Defendant is still awaiting records from some of these third parties.

21 Defendant requires additional time to obtain the outstanding records before proceeding
22 with Plaintiff's deposition. The parties are working together to schedule Plaintiff's
23 deposition.

24 Some support staff for the Civil Division were on leave, and the undersigned AUSA had
25 been preparing for a January 11, 2022, trial. Due to the increase in COVID-19 infection
26 rate (associated with the Omnicron variant), the Court recently vacated the trial. A new
27 trial date has not been set, but it is estimated for the second half of February or early March
28 2022.

1 The U.S. Attorney's Office also remains very busy, having recently lost two AUSAs
 2 in the relatively small Civil Division. Their caseload has been reallocated, and some of
 3 those cases, as well as newer filings, have gone to the undersigned AUSA. The vacant
 4 AUSA positions cannot be filled pending swearing in of the nominee for U.S. Attorney for
 5 this district.

6 These circumstances have affected the undersigned AUSA's ability to engage in
 7 additional discovery steps in this case, and will likely continue to affect matters pending
 8 completion of the trial mentioned above. These steps include retaining expert witnesses.

9 **EXTENSION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

10 The following table sets forth the current deadlines and the proposed extended
 11 deadlines that are the subject of this stipulated request:

| SCHEDULED EVENT | CURRENT DEADLINE | PROPOSED DEADLINE |
|--|------------------|------------------------------|
| Defendant's Expert Disclosure | 2/28/2022 | 4/29/2022 |
| Plaintiff's Rebuttal Expert Disclosure | 3/30/2022 | 5/31/2022 |
| Discovery Cutoff | 4/29/2022 | 6/28/2022 |
| Dispositive Motions | 5/31/2022 | 7/28/2022 |
| Proposed Joint Pretrial Order | 6/28/2022 | 8/29/2022 ¹ |

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27 ¹ However, if dispositive motions were filed, the deadline for the Proposed Joint Pretrial Order
 28 would be deferred until 30 days after the Court rules on the dispositive motions.

1 This request for an extension of time is not sought for any improper purpose including
2 undue delay. This is the fourth request for an extension of deadlines in this matter.

3 Respectfully submitted this 24th day of January 2022.

4 SGRO & ROGER

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23 **IT IS SO ORDERED:**

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25 **UNITED STATES MAGISTRATE JUDGE**
26 DATED: January 24, 2022